

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

Pending before this Court is Express Mobile's Disqualification Motion (Dkt. No. 43). WiX.com, Ltd and WiX.com Inc. (collectively "WiX") has decided to substitute new counsel rendering moot the Disqualification Motion. WiX will require time to engage new counsel and for new counsel to become familiar with the case. The parties recognize that because validity contentions are due in less than three weeks and because the claim construction schedule is set to be begin within weeks thereafter, the current schedule will need to be vacated and a new scheduling order will ultimately need to be entered after new counsel appears. Therefore, the parties stipulate as follows:

1. Filed concurrently herewith is a motion for leave by Finnegan, Henderson, Farabow, Garrett & Dunner, LLP (Finnegan) to withdraw from its representation of WiX in this civil action. The parties stipulate to the Court's immediate granting of that withdrawal motion.
2. In view of Finnegan's withdrawal, Express Mobile's pending motion for Disqualification (Dkt. No. 43) is dismissed as moot and the hearing scheduled for June 4, 2020, is vacated.
3. WiX will have until July 1, 2020 for new counsel to enter an appearance in this action.
4. All dates in the Scheduling Order (Dkt. No. 39) are vacated.
5. The parties will meet and confer on or before July 15, 2020, to discuss a new schedule.

Dated: June 2, 2020

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

By: /s/ Jeffrey D. Smyth
Jeffrey D. Smyth (SBN 280665)
jeffrey.smyth@finnegan.com

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**

3300 Hillview Avenue
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorneys for Defendants
WIX.COM, LTD. and WIX.COM, INC.

1 Dated: June 2, 2020

STEPTOE & JOHNSON LLP

By: /s/ Michael Dockterman

Michael Dockterman (admitted *pro hac vice*)

227 West Monroe Street, Suite 4700

Chicago, IL 60606

Telephone: (312) 577-1300

Facsimile: (312) 577-1370

mdockterman@steptoe.com

Attorneys for Plaintiff

EXPRESS MOBILE, INC.

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

ATTESTATION OF E-FILER

In compliance with Civil Local Rule 5-1(i)(3), the undersigned ECF user whose identification and password are being used to file this document, hereby attests that all signatories listed herein, and on whose behalf this filing is submitted, have conferred about the content of this document and have authorized this filing.

Dated: June 2, 2020

/s/ Jeffrey D. Smyth
Jeffrey D. Smyth (SBN 280665)

STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105


STEPTOE & JOHNSON LLP
One Market Plaza, Spear Tower, Suite 3900
San Francisco, CA 94105

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

1. Finnegan's concurrently filed motion to withdraw as counsel in this civil action is granted.
2. Express Mobile's pending motion for Disqualification (Dkt. No. 43) is dismissed as moot and the hearing scheduled for June 4, 2020, is vacated.
3. WiX shall have until July 1, 2020, for new counsel to enter an appearance in this action.
4. The current Scheduling Order (Dkt. No. 39) is vacated.
5. The parties shall meet and confer on or before July 15, 2020, to discuss a new schedule.

Dated: June 2, 2020


THE HON. RICHARD SELBORG
United States District Judge